

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDEX NO.
08 CV 03100 (RMB)

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PATRICK FRATELLONE, MD, d/b/a
FRATELLONE MEDICAL ASSOCIATES, LLP,

ECF CASE

Plaintiffs,

AFFIRMATION
OF SERVICE

-against-

MICHAEL O. LEAVITT, Secretary of the Department
Of Health and Human Services and the Centers
For Medicare and Medicaid Services,

Defendants.

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ABRAHAM WAX, an attorney duly admitted to practice law in the State
of New York, affirms the following under penalty of perjury:

On March 27, 2008, I served the within SUMMONS AND COMPLAINT
via CERTIFIED MAIL / RETURN RECEIPT REQUESTED, by depositing a true copy
thereof enclosed in a post-paid wrapper, in an official depository of the United States
Postal Service within the State of New York, addressed to the persons set forth below
at the last known address set forth after each name.

Dated: New York, New York
March 28, 2008

/s/

Abraham Wax

**TO: MICHAEL O. LEAVITT, Secretary of the Department
Of Health and Human Services and the Centers
For Medicare and Medicaid Services
26 Federal Plaza
New York, NY 10278**

**United States Attorney S.D.N.Y.
Civil Clerk's Office
1 St. Andrews Plaza
New York, NY 10007**

**United States Attorney General
950 Pennsylvania Avenue
Washington, DC 20530**